

Serial No.: 10/605,993

Confirmation No.: 2992

Applicants: PERSSON, Per *et al.*

Atty. Ref.: 07589.0075.NPUS01

IN RESPONSE TO THE OFFICE ACTION:**REJECTION UNDER 35 U.S.C. § 102:**

Claims 1, 2 and 6 have been rejected under 35 USC 102(b) as being anticipated by *Meneely et al.*, U.S. Patent No. 6,386,160. This ground of rejection is respectfully traversed.

The claimed invention is directed to apparatus having two cam followers coupled to a rocker arm, wherein one of the cam followers is adjustably mounted to the rocker arm so as to selectively interact with a cam as a function of the position of the cam follower with respect to the rocker arm, which position is controlled by action of a hydraulic piston. See Fig. 1, cam followers 17, 20, secondary arm 19, rocker arm 13, and hydraulic piston 21.

In contrast, Meneely discloses a valve control apparatus having a single cam follower 40, which interacts with two separate lobes 70 and 72 of a cam 14. See Figs. 1-4. In normal operation, the interaction of secondary lobe 72 with cam follower 40 has no effect on valves 16, 18 because the height of lobe 72 is smaller than clearance 50 between member 54 of rocker arm 26 and yoke 20. In an engine braking mode, a solenoid 81 is actuated to cause pistons 96 and 98 to extend beyond member 54 of rocker arm 26 so as to contact yoke 20 in response to the movement of rocker arm 26 by secondary lobe 72.

Meneely discloses that in the prior art, the pistons 96 and 98 continue to contact the yoke to operate the valves so long as the compression release brake mode is operational, thereby preventing the member 54 from contacting the yoke even during normal exhaust valve opening by main lobe 70. Meneely states that this is undesirable because it prevents the timing adjustment that is obtained by adjusting the amount clearance 50 using adjustment screw 52. See col. 6, lines 29-40.

To overcome this perceived problem, Meneely discloses the use of a reset trigger device 140, which allows the pistons 96 and 98 to be pushed upward by the yoke 20 during normal exhaust valve timing as shown in Fig. 4, by allowing hydraulic fluid in chambers 100 and 102 to escape, thereby allowing member 54 to push down on yoke 20, and thereby preserving the timing achieved through adjustment of the amount of clearance 50.

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Consequently, Meneely does not anticipate any of claims 1, 2 or 6, since Meneely fails to disclose first and second cam followers as claimed. Plate 154 of reset device 140 is not such a cam follower, as plate 154 functions not to move rocker arm 26 but instead to allow hydraulic fluid to escape from chambers 100 and 102 and thereby allow the yoke 20 to push pistons 96 and 98 into their respective chambers and prevent opening of the valves 16 and 18. Reconsideration and withdrawal of this ground of rejection is thus requested.

REJECTION UNDER 35 U.S.C. § 103:

The rejection of claims 2 and 4 as being unpatentable over Meneely in view of Schechter, U.S. Patent No. 6,223,846, claim 3 as being unpatentable over Meneely in view of Bunker *et al.*, U.S. Patent No. 6,067,946, and claim 5 as being unpatentable over Meneely in view of Diehl *et al.*, U.S. Published Application No. 2004/0055547, also are respectfully traversed.

The Office action relies on Schechter as disclosing a check valve, Bunker as disclosing a control valve actuable by two different pressure levels, and Diehl as disclosing a non-return valve and drainage port for an actuator valve. None of these features cures the fundamental deficiency of Meneely with respect to the invention as set forth in independent claims 1, 6 and 7. Accordingly, none of the proposed combinations of prior art could result in the invention as set forth in claims 2-5.

It is believed that the above changes place the application in condition for allowance. Therefore, a Notice of Allowance is respectfully solicited.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.0075.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,



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